

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

**Order Instituting Rulemaking on the Commission's
Own Motion To Establish Consumer Rights and
Consumer Protection Rules Applicable to All
Telecommunications Utilities**

R.00-02-004

**COMMENTS OF AT&T CALIFORNIA ON STUDY PLAN ON LANGUAGE ACCESS
ISSUES FOR CALIFORNIA TELECOMMUNICATIONS CONSUMERS**

July 14, 2006

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I. INTRODUCTION.

AT&T California submits these comments in response to the Study Plan on Language Access Issues for California Telecommunications Consumers ("Study Plan") distributed on June 21, 2006. AT&T California strongly supports the collaborative approach embodied in the Study Plan, which allows the Commission, carriers and community-based organizations ("CBOs") to work together to understand and address the special needs of consumers with limited English proficiency ("LEP consumers"). This approach benefits consumers by encouraging a dialogue that can more quickly respond to current concerns than a protracted rule-making. It also provides the flexibility for carriers to develop innovative ways to serve the LEP community in the future as the telecommunications landscape continues its rapid evolution.

AT&T California believes the Study Plan appropriately focuses on collecting information regarding both the special needs and challenges facing LEP consumers and issues affecting the ability of the Commission and carriers to reach them. By understanding the needs of LEP consumers, as well as the capabilities and constraints of those serving them, the Commission will be positioned to develop an innovative education campaign, to continue working with carriers and CBOs to better serve LEP consumers in a "win-win" environment, and to engage the enforcement community to address "bad actors."

In response to the specific questions posed in the Study Plan, AT&T California submits the following comments. AT&T also attaches its responses to the Commission's June 23, 2006 Request for Information on Carrier Practices and Programs for Limited English Proficiency Consumers, which was addressed to all certified telecommunications carriers in California.

II. ARE THERE ANY PARTICULARLY USEFUL WRITTEN SOURCES THAT SHOULD BE REVIEWED? WHAT ATTRIBUTES OR CONTENT MAKE THESE SOURCES PARTICULARLY USEFUL?

Publications:

(by Chinese for Affirmative Action and Center for Asian American Advocacy)

- “The Language of Business: Adopting Private Sector Practices to Increase Limited English Proficient Individuals’ Access to Government Services”
<http://www.caasf.org/PDFs/The%20Language%20of%20Business%20%5BCAA%5D.pdf>

(three by Asian American Legal Center of Southern California)

- “A Community of Contrasts”
- “The Diverse Face of Asians and Pacific Islanders in California”
- “California Speaks”

(two by Center for the Continuing Study of the California Economy)

- “California Economic Growth”
- “California County Projections”
- Final Report of Electric Education Trust Outreach Program (by GeM Communications Group)
- “2004-2005 Annual Report on Marketing and Outreach for Universal Lifeline Telephone Service” by Richard Heath and Associates
- “Pacific Bell Multilingual Consumer Advisory Council Report” (1988) – The CAC was formed in 1987 to provide Pacific Bell advice on the implementation of the Hispanic and Asian market plans. The report includes both the CAC and company perspectives on the issue.
- “AT&T California’s Multilingual Report” (filed 6/30/06 at CPUC)

Other On-Line resources:

Public Policy Institute of California (<http://www.ppic.org/main/home.asp>) – Its demographic studies and policy papers could be useful to the CPUC’s efforts.

Community Technology Foundation of California (www.zerodivide.org) – It has over 6 years experience in bringing digital technology to underserved and LEP communities.

New America Media (<http://news.newamericamedia.org>) – It could be venue for outreach to in-language newspapers.

Communities for Telecom Rights

(<http://www.telecomrights.net/education/edmaterials.html>) – Educational materials could be updated for use as part of CPI.

United States Census (<http://www.census.gov>) – It has demographic data that can be manipulated by census tract, ethnicity, income, etc.

III. ARE THERE OTHER AGENCIES, WITHIN OR OUTSIDE OF CALIFORNIA THAT EXEMPLIFY LANGUAGE ACCESS BEST PRACTICES THAT ARE LIKELY TO BE APPLICABLE TO COMMISSION EDUCATION OF TELECOMMUNICATIONS CUSTOMERS?

“The Language of Business” publication cited in Section II, above, cites the cities of Oakland, Monterey Park, and San Francisco for their efforts in addressing the needs of LEP consumers. AT&T California has looked at web sites of those cities and found information increasing the accessibility of information for LEP consumers:

<http://www.oaklandnet.com/government/Equalaccess/english/homepage.html> - See “Equal Access” page

<http://www.ci.monterey-park.ca.us/home/index.asp?page=1> – See links at top to English, Spanish and Chinese sites

http://www.sfgov.org/site/translated.asp?lp=en_zt – Allows web site visitor to choose a language and local government site to be translated

IV. ARE ANY CRITICAL ISSUES BEING OMITTED IN THE STUDY PLAN?

While the Study Plan generally is comprehensive in its approach to evaluating the needs of LEP consumers, AT&T California has identified the following additional topics that we believe should be part of the Commission’s evaluation of issues relating to LEP consumers.

A. Factors Affecting the Educational Needs of LEP Consumers.

1. The Educational Needs of LEP Consumers are Best Met Through Collaborative Efforts.

The telecommunications industry generally -- and AT&T California specifically -- have been successful in partnering with the Commission and CBOs to reach out to LEP consumers,

and have expressed an interest in expanding the opportunities for this type of collaborative effort. AT&T California strongly supports continued joint efforts, and applauds the Commission for the successful launch of the calphoneinfo.com website.

The calphoneinfo.com website is a powerful education device that provides useful information to telecommunications consumers not only in six languages, but also with the capability to enlarge the font size and to access audio files in order to reach a broad range of potentially isolated groups. AT&T California is proud to have supported this effort by chairing the Content Task Force of the CPI initiative, and taking a leadership role on the Media Subcommittee of the Outreach Task Force, including lending an employee to voice both the English version of the multi-lingual audio files of the task force outputs and a public service announcement. AT&T California plans to continue to support the Commission with this important project, which provides a valuable resource for consumers of telecommunications services in California, and specifically for LEP consumers.

This recent accomplishment follows other outreach success stories, including the work done by Communities for Telecom Rights (“CTR”), which is building relationships between CBOs and carriers. In addition, AT&T California (formerly SBC California) has a long history of company-community collaborations through its Telecommunications Consumer Advisory Panel, Consumer Product Panel, and various advisory councils, such as the Multilingual Consumer Advisory Council. Input from these groups is critical to development of a successful in language program within individual companies or with any effort at the Commission.

AT&T California and other carriers have a demonstrated interest and willingness to expand their own capabilities for reaching LEP consumers, and to work with those organizations

who represent LEP consumers. AT&T California encourages the Commission to continue and expand its efforts to facilitate and foster this ongoing work. It is important that CBOs be viewed as resources to help “mine” sources of information and solutions that will continue to help focus the Commission’s in-language efforts. For example, complaint data alone do not define needs for in-language services and programs. The four upcoming community meetings in Fresno, Stockton, Los Angeles and San Diego should provide a forum for seeking constructive input and recommendations from community leaders that will address the needs of LEP consumers. Those meetings should be solution-driven in approach and solicit more than anecdotal complaints.

In order to maximize available resources, AT&T California suggests using the Study Plan to explore the successes and failures in building relationships between carriers and CBOs. In addition, while the larger carriers have been visible in the CPI collaborative effort, AT&T California suggests that the Commission explore how to include the scores of other certificated carriers in California in its education, enforcement and customer service efforts with respect to LEP consumers. AT&T also encourages the Commission to explore two additional possibilities: (1) establishing an advisory committee on multilingual issues, and (2) establishing a staff position in the Public Advisor’s Office with statewide responsibility for addressing multilingual issues, including education, outreach and enforcement.

2. Consistency With Existing In-Language Requirements is Important.

AT&T California believes it is important for both carriers and consumers that the Commission is as consistent as possible in addressing the needs of LEP consumers. In this regard, AT&T California notes that the alternate languages identified in the Study Plan to be targeted for CPI educational efforts (page 3) are not the same languages identified in the Local

Competition Decision (D.96-10-076). First, Japanese is included in D.96-10-076 but not in the CPI Decision and therefore not in the Study Plan. Second, while the Hmong speaking population is growing in California, AT&T California's Language Line data indicate that there are more calls from customers preferring to speak Russian and Armenian than from those wishing to speak Hmong. Third, D.96-10-076 separates Chinese into Mandarin and Cantonese.

AT&T California believes there is benefit to consistency with D.96-10-076 at the outset of the CPI effort and suggests this as a topic at a future workshop.

3. In Evaluating the Cost of In-Language Service, the Commission Should Recognize All Costs.

AT&T California appreciates the Study Plan's consideration of the cost of providing In-Language materials. Cost is a significant consideration for carriers as they evaluate whether to enter the In-Language market, or expand or decrease their capabilities. In evaluating cost, AT&T California encourages the Commission to consider not only the actual costs associated with In-Language services, but also the predictability of costs and the control carriers will have over In-Language costs.

With respect to actual costs, while AT&T California is committed to providing materials in alternative languages, it is important to realize that providing In-Language service is not comparable to the cost of translating a single static document. AT&T California's presentation at the June 26, 2006 workshop contained a timeline of the development of its In-Language capabilities, which shows that it takes years (if not decades) to create the capability to support alternative languages. Given the breadth of products and services available from most telecommunications carriers, supporting any particular language means translating multiple documents (marketing documents, confirmation letters, public service announcements, etc.),

many of which are constantly evolving to meet competitive and regulatory needs. In order to be sure we provide reliable information, AT&T California tests each document for the accuracy of translation because word-for-word translations do not always convey the correct meaning. As AT&T's panelist pointed out at the workshop, cultural sensitivity also must be considered in written and verbal communications even within ethnic subcultures. In some cases, failure to do so can cause unintended consequences. For example, in a direct mailer, a person's name in red may signify a dead person in Korean culture. Photos used in advertising should match the targeted linguistic community. Training foreign language sales and customer service representatives is expensive and time consuming. Back-office operations and Information Technology system requirements are implicated, for example, by delivery intervals and cost. The cost of translating one document is just a small component of servicing customers in an alternate language, and AT&T California encourages the Commission to bear in mind the full panoply of costs.

B. Enforcement Activities Provide an Opportunity to Immediately Address Problems of LEP Consumers.

AT&T California believes that the Study Plan's anticipated analysis of whether existing rules are sufficient, if they are enforced, is especially important in the context of serving LEP consumers. The Consumer Bill of Rights proceeding included an analysis of the substantial body of existing regulatory and legal requirements currently protecting consumers, including LEP consumers. *See* D.06-03-013, Appendix D.¹ A decade ago the Commission recognized that "[i]t is not in the public interest to deprive non-English-speaking customers of competitive service alternatives merely because of carrier' inability to comply with overly restrictive rules."

¹ Appendix D is such a valuable resource, the Commission should consider giving this information more visibility on its website, and possibly adapting it for ease of use by lay-persons.

D. 96-10-076. The same is equally true today. Absent specific information suggesting gaps in the current rules and regulations, enforcement of existing rules is in the best interest of consumers and carriers. The cautious entry of carriers into the In-Language market suggests that the Commission should likewise be cautious to avoid the type of overly restrictive rules discussed in D.96-10-076.

What was apparent at the June 26 workshop was that many problems LEP consumers face are caused by unregulated dealers/resellers, primarily in the wireless industry. AT&T California has agreements with third parties for whom it acts as a billing agent, and AT&T California is very aggressive in the management of those agreements to decrease abuses. Because of the importance of the issue, however, AT&T also is interested in working with other carriers to identify “clean” data (i.e. non-carrier specific data) that helps pinpoint and resolve the issues and complaints from the LEP communities. Organizations such as Communities for Telecom Rights can be helpful in mining the complaint data. AT&T California suggests that the Study Plan evaluate possibilities to increase collaboration among carriers and between carriers and CBOs. The Study Plan also should evaluate other avenues to obtain data, such as public service announcements to alert consumers to certain bad practices and solicit information on abuses that can be used by the Commission and other law enforcement bodies.

In addition to facilitating the expansion of efforts by carriers and CBOs to work together to reduce abuses, AT&T California believes it is important for the Study Plan to evaluate the Commission’s mechanisms for working with other law enforcement agencies to provide timely and accurate data regarding potential violations affecting LEP consumers. For example, the advertising abuses discussed at the workshop appear to violate California Business and Professions Code sections 17200 *et. seq* and 17500 *et. seq*. While carriers are committed to

evaluating their relationships with “bad actors” and terminating those relationships if they cannot cause the dealers to change their behavior, coordinated action between the Commission and law enforcement agencies would be an additional deterrent. D.06-03-013 focused on coordination with other law enforcement as an important component of consumer protection.² AT&T California believes the benefit of coordinated action is equally applicable to the issues facing LEP consumers, and should be a significant part of the Study Plan’s evaluation of enforcement opportunities. The California Attorney General’s Office and District Attorneys’ Offices should be invited to participate in this collaborative effort to help find solutions that bring offenders to light for appropriate action.

Because Commission complaint data has the potential to be a powerful tool in protecting LEP consumers, AT&T California suggests that the Study Plan evaluate how carrier and CBO input can help develop the new complaint data base. Communities for Telecom Rights seems to have a base of information from which the collaboration can draw. Further, AT&T California recommends that the Study Plan evaluate how complaint data can be utilized – both at the Commission and in conjunction with other authorities to enhance enforcement efforts. Finally, thought should be given to working relationships among carriers, CPSD and CAB, so that information and communication lines are clearly expressed.

² “There are significant advantages to collaborating with the AG and DAs. Often the AG and DAs are able to use their broader enforcement authority to seek greater penalties than we could attain at Commission. . . . These law enforcement officials’ enforcement of general consumer protection laws is especially important with respect to telecommunications matters outside our jurisdiction or over which our jurisdiction may not be clear. . . . Furthermore we pledge to use our expertise, experience, and investigative and information gathering abilities to assist outside law enforcement officials that are developing and prosecuting cases.” D.06-03-013, p. 151.

C. Carriers And The Commission Have Expanded Their Customer Service For LEP Consumers.

1. The Commission's Ability To Support LEP Consumers Is Critical.

AT&T California supports the Commission's evaluation and expansion of its own capabilities to serve LEP consumers. While carriers and CBOs play an important role in supporting LEP consumers, ultimately the ability of the Commission to reach these consumers is critical. The Commission is best suited to provide competitively neutral information, such as that contained on the calphoneinfo.com website. Moreover, the Commission has the ability to view data across carriers and to spot trends or issues that may elude carriers (or even CBOs) and bring appropriate issues to the attention of other law enforcement bodies. AT&T California supports expansion of the Commission's ability to serve LEP consumers as a significant factor in fostering good behavior (for example, collaboration in disseminating information on calphoneinfo.com website and facilitating the expansion of relationships between carriers and CBOs) and deterring bad behavior (by its own enforcement actions and its work with other bodies).

2. Over-Regulation Could Decrease Carriers' Customer Service For LEP Consumers.

Carriers attended the June 26 workshop, and several provided information on the In-Language services that currently are available, as well as some of the challenges facing carriers. For example, AT&T California provided a timeline showing the 20 plus year development of its In-Language program, which now serves 7 non-English languages in-house and 161 others by means of Language Line. While AT&T California is proud of the current depth of its In-Language services, this has been a long process. Other carriers with more limited services confirmed that the expansion of In-Language services is a methodical process driven by the

demographics of their particular customer base, and the desire of carriers to support alternative language needs only when they can do so well. A company's measured approach should not be viewed as lack of support or non-compliance.

AT&T California has developed substantial In-Language capabilities without significant regulatory intervention. AT&T California agrees that certain minimal requirements are appropriate (such as those embodied in Public Utilities Code Section 2890(b) and D.96-10-076). However, absent identifiable problems not met by the current regulatory and legal framework, the unintended consequences of unnecessary regulation could drive carriers out of the In-Language market, leaving LEP consumers even more vulnerable to the few bad actors that exist. The existing framework, in which any In-Language customer service obligations are triggered by carrier activity (such as marketing a product in an alternative language), gives carriers control over the substantial costs associated with entering the In-Language market and allows them to do so only when they are able to provide appropriate customer service. Even when full In-Language support is not cost-effective for carriers, the Commission should encourage interim steps to In-Language service, such as the use of third parties (like Language Line), by avoiding placing any regulatory burden on pure translation services. While understanding the deficiencies in service currently experienced by LEP consumers is an important objective, AT&T California believes it is equally important for the Study Plan to evaluate methods to foster carriers' expansion of alternative language capabilities.

V. CONCLUSION.

AT&T California is enthusiastic about the opportunities to understand and meet the needs of LEP consumers. We look forward to working with the Commission, other carriers and CBOs in implementing the Study Plan and ultimately understanding how to better serve LEP consumers.

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